



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUL 15 1993

APPLICATION DIVISION

In re application of:

Serial No.: 08 / 065,676

Group No.:

Filed: May 21, 1993

Examiner:

For: Lisbeth Illum "Small Particle Compositions For Intranasal Drug Delivery"

Commissioner of Patents and Trademarks

Washington, D.C. 20231

ATTENTION: Application Division

COMPLETION OF FILING REQUIREMENTS

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed June 22, 1993

NOTE: If these papers are filed before the office letter issues adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

DECLARATION OR OATH

- II. ☒ No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

The PTO did not receive the following listed item(s) A Check for 65.00 & Check for 40.00

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Anna-louise Owens

(Type or print name of person mailing paper)

Date: July 9, 1993

*Anna Louise Owens*

(Signature of person mailing paper)

OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

**NOTE:** For surcharge fee for filing declaration after filing date complete item VI(3) below.

**NOTE:** Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

#### AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims \_\_\_\_\_ inclusive.

#### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV.

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

**NOTE:** For fee processing a non-English application complete item VI(5) below.

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

**NOTE:** The translation for a regular application filed in a foreign language must be verified. 37 CFR 1.52(d).

#### SMALL ENTITY STATUS

V.

- ☒ A verified statement that this filing is by a small entity

**NOTE:** If an original verified statement and a refund request is filed within two months of the date of payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

(Completion of Filing Requirements [5-1]—page 2 of 5)

(check and complete applicable items)

- ☒ is attached  
☒ a separate refund request accompanies this paper  
☐ was filed on \_\_\_\_\_ (original)

### COMPLETION FEES

#### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

**NOTE:** The filing fees, fees for claims and surcharge fees listed below in items 1, 2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid but a verified statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

1. Filing fee

- ☐ original patent application (37 CFR 1.16(a))—\$690.00; Small entity—\$345.00 \$ \_\_\_\_\_
- ☐ design application (37 CFR 1.16(f))—\$280.00; small entity—\$140.00 \$ \_\_\_\_\_

2. fees for claims

- ☐ each independent claim in excess of 3 (37 CFR 1.16(b))—\$72.00; small entity—\$36.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 10 (37 CFR 1.16(c))—\$20.00; small entity—\$10.00 \$ \_\_\_\_\_
- ☐ multiple dependent claim(s) (37 CFR 1.16(d))—\$220.00; small entity—\$110.00 \$ \_\_\_\_\_

3. surcharge fees

- ☐ late payment of filing fee

and/or

- ☒ late filing of original declaration or oath (37 CFR 1.16(e))—\$130.00; small entity—\$65.00; \$ 65

**NOTE:** Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers the surcharge fee is required.

**NOTE:** If both the filing fee and declaration or oath were missing from the original papers only one surcharge fee for both need be paid. 37 CFR 1.16(e).

4. ☐ petition and fee for filing by other than all the inventors or a person not the inventor (1.47—\$130.00) \$ \_\_\_\_\_
5. ☐ fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d))—\$130.00 \$ \_\_\_\_\_

6. ☐ fee for processing and retention of application  
(37 CFR 1.21(l) and 1.53(d))—\$300.00

\$ \_\_\_\_\_

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(1) within 1 year of notification under § 1.53(d) must be paid.

**Total completion fees**

\$ 65

**EXTENSION OF TIME**

**VII.**

*(complete (a) or (b) as applicable)*

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 350.00	\$ 175.00
<input type="checkbox"/> three months	\$ 810.00	\$ 405.00
<input type="checkbox"/> four months	\$ 1,280.00	\$ 640.00

Fee \$ \_\_\_\_\_

**If an additional extension of time is required please consider this a petition therefor.**

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request \$ \_\_\_\_\_**

**or**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

**VIII.**

The total fee due is

Completion fee(s) \$ 65

Extension fee (if any) \$ \_\_\_\_\_

**TOTAL FEE DUE \$ 65**

## PAYMENT OF FEES

IX.

- ☒ enclosed is a check in the amount of \$ 65
- ☐ charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 12-2147

☐ 37 CFR 1.16 (a), (f) or (g) (filing fees)

☒ 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

- ☒ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Reg. No. 20,570

Tel. No.: (617) 227-0700

  
SIGNATURE OF ATTORNEY

Scott R. Foster

Type or print name of attorney

Lorusso & Loud

P.O. Address

440 Commercial St. Boston, MA 02109

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of\*: Lisbeth Illum

Serial No.: 0 8/065,676

Group No.:

Filed: May 21, 1993

Examiner:

For\*:

"Small Particle Compositions For Intranasal Drug Delivery"

☐ Patent No.:

Issued:

*\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.*

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**ATTENTION: Refund Section, Accounting Division, Office of Finance**

**REQUEST FOR REFUND**

**(37 C.F.R. 1.28(a))**

**I. SUBMISSION OF VERIFIED STATEMENT**

*(Complete (a) or (b))*

- (a) ☒ Attached is a verified statement claiming small entity status in this application.  
(b) ☐ A verified statement claiming small entity status was filed in this application on \_\_\_\_\_

**II. REFUND REQUEST**

This request for refund is made within two months of the date a fee was paid in this application on May 21, 1993 in the amount of \$ \$355

*NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 since it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.*

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Anna-Louise Owens

(Typed or printed name of person mailing paper)

Date: July 9, 1993

Anna Louise Owens

(Signature of person mailing paper)

### III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> filing fee	\$ 355
<input type="checkbox"/> surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e))	\$
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))	\$
<input type="checkbox"/> extension of term	\$
<input type="checkbox"/> issue fee	\$
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	\$
<input type="checkbox"/> second maintenance fee	\$
<input type="checkbox"/> third maintenance fee	\$
<input type="checkbox"/> patent maintenance fee surcharge.	
<i>NOTE: The refund provisions of § 1.28(a) for later submitted small entity statements apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.</i>	
<input type="checkbox"/> other	\$

TOTAL REFUND REQUESTED \$ 355


### IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Account No. 12-2147
- ☐ refunding overpayment

Reg. No.: 20,570

Tel. No.: (617) 227-0700

  
\_\_\_\_\_  
Signature of attorney  
Scott R. Foster  
\_\_\_\_\_  
Type or print name of attorney  
Lorusso & Loud  
\_\_\_\_\_  
P.O. Address  
440 Commercial St. Boston, MA 02109  
\_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
08/065,676	05/21/93	ILLUM	L EPC148

03B1/0622

ANNE I. CRAIG  
LORUSSO & LOUD  
440 COMMERCIAL ST.  
BOSTON, MA 02109

0000

DATE MAILED:

06/22/93

**NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 150 for large entities or \$ 65 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a ☒ large entity, ☐ small entity (verified statement filed), is \$ 150.

Applicant is given **ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE** of this application, **WHICHEVER IS LATER**, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1. ☐ The statutory basic filing fee is: ☐ missing ☐ insufficient. Applicant as a ☐ large entity ☐ small entity, must submit \$ \_\_\_\_\_ to complete the basic filing fee.

2. ☐ Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity, ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

3. ☐ The oath or declaration:  
☐ is missing.  
☐ does not cover items omitted at time of execution.

An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.

4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. ☒ The signature to the oath or declaration is: ☒ missing; ☐ a reproduction; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:

\_\_\_\_\_. An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

7. ☐ The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ \_\_\_\_\_ under 37 CFR 1.17(k), unless this fee has already been paid.

8. ☐ A \$ \_\_\_\_\_ processing fee is required for returned checks. (37 CFR 1.21(m)).

9. ☐ Your filing receipt was mailed in error because check was returned without payment.

10. ☐ The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.

11. ☐ Other.

Direct the response and any questions about this notice to William, Application Processing Division, Special Processing and Correspondence Branch (703) 308-1202.

AMB